

## **REMARKS**

Applicants have amended claim 25 and canceled claims 1-24 and 26-36 during prosecution of this patent application. Applicants are not conceding in this patent application that said amended and canceled claims are not patentable over the art cited by the Examiner, since the claim amendments and cancellations are only for facilitating expeditious prosecution of this patent application. Applicants respectfully reserve the right to pursue said amended and canceled claims, and other claims, in one or more continuations and/or divisional patent applications.

In a telephonic interview on May 17, 2007 between Applicant's Representative Jack P. Friedman, Examiner Tejal Gami, and the Examiner's Supervisor Anthony Knight, proposed claim amendments were discussed as to distinctions with respect to the cited prior art, but no agreement was reached. Agreement was reached as submitting the proposed claim amendments in Applicant's next office action response.

The Examiner rejected claims 1-3, 5-6, 9, 12, 15-16, 19-20, 23 and 25-36 under 35 U.S.C. § 102(b) as allegedly being anticipated by Long (EP Patent Number 0 969 363).

Applicants respectfully traverses the § 102 rejections with the following arguments.

### **35 U.S.C. § 102(b)**

The Examiner rejected claims 1-3, 5-6, 9, 12, 15-16, 19-20, 23 and 25-36 under 35 U.S.C. § 102(b) as allegedly being anticipated by Long (EP Patent Number 0 969 363).

Since claims 2-3, 5-6, 9, 12, 15-16, 19-20, 23 and 26-36 have been canceled, the rejection of claims 2-3, 5-6, 9, 12, 15-16, 19-20, 23 and 26-36 under 35 U.S.C. § 102(b) is moot.

Applicant respectfully contends that Long does not anticipate claim 25, because Long does not teach each and every feature of claim 25.

As a first example of why Long does not anticipate claim 25, Long does not teach the feature of managing execution and compensation of a task subject to “said task comprising both compliant processes complying with a commit/backout protocol and **non-compliant processes not complying with a commit/backout protocol**” (emphasis added).

Long teaches execution and compensation of a task comprising compliant processes complying with a commit/backout protocol but is totally silent as to non-compliant processes not complying with a commit/backout protocol.

As a second example of why Long does not anticipate claim 25, Long does not teach the feature: “said compliant processes running on the data processing system and said non-compliant processes running on a counterpart processing system that is coupled to the data processing system by a labile link”.

As explained *supra*, Long is totally silent as to non-compliant processes not complying with a commit/backout protocol. In addition, Long most certainly does not teach of a task whose

compliant processes complying with a commit/backout protocol are running on the data processing system and whose non-compliant processes not complying with a commit/backout protocol running on a counterpart processing system that is coupled to the data processing system by a labile link.

As a third example of why Long does not anticipate claim 25, Long does not teach the feature: “determining by the at least one extended resource manager (ERM), upon receipt of a backout request resulting from the execution of the compliant processes running on the data processing system and the non-compliant processes running on the counterpart processing system, compensation actions to transform the system resources into a mutually consistent state **that differs from** an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes, wherein changes to the system resources resulting from the execution of the non-compliant processes transform the system resources into a mutually inconsistent state” (emphasis added).

In contrast, Long, Par. 10 teaches: “In a case where the transaction aborts, the compensating action is invoked outside of the transaction to return the durable resource to its pre-transaction state”, which is the exact opposite of the preceding feature of claim 25 because the pre-transaction state is not “a mutually consistent state **that differs from** an initially consistent state of the system resources that existed prior to the execution of the non-compliant processes”. This theme is repeated throughout Long. For example, Long, Par. 14 recites: “In response to the abort notification, the CRM compensator performs the compensating action to reverse the CRM worker's normal action.”(emphasis added)

As a fourth example of why Long does not anticipate claim 25, Long does not teach the feature: “wherein the changes to the system resources resulting from the execution of the non-compliant processes **cannot be backed out** to transform the system resources from the mutually inconsistent state to the initially consistent state due to the labile link and associated communication problems between the data processing system and the counterpart processing system” (emphasis added)

The preceding feature of claim 25 recites the impossibility of transforming the system resources from the mutually inconsistent state to the initially consistent state, which Long does not teach.

In addition, the preceding feature of claim 25 recites the cause of the impossibility of transforming the system resources from the mutually inconsistent state to the initially consistent state, said cause being “the labile link and associated communication problems between the data processing system and the counterpart processing system”, which Long does not teach. Moreover, Long does not identify non-compliant processes in the context of the preceding feature.

As a fifth example of why Long does not anticipate claim 25, Long does not teach the feature: “recording information, by an information recording service, concerning the compensation actions performed during the execution of the non-compliant processes; determining, by the extended resource manager (ERM), the compensation actions on the basis of the information recorded by the information recording service” are not disclosed in Long.

The Examiner referred to Long, Pars. 64-68.

In response, Applicant asserts that the discussion of “Logging” in Long, Pars. 64-68 is not relevant to the preceding feature of claim 25, because Long, Pars. 64-68 describe Long, Figure 5 which describe normal processes rather than non-compliant processes. See Long, Par. 64 which recites: “Figure 5 depicts a process 280 by which the CRM worker 202 logs information to **compensate for its normal action on the resource**”.

As a sixth example of why Long does not anticipate claim 25, Long does not teach the feature: “backing out the changes to the system resources resulting from execution of the compliant processes before performing the compensation actions, resulting in generation of misaligned logically-correlated data associated with the task; after completion of said immediately backing out and before performing the compensation actions, rendering the misaligned logically-correlated data public to other tasks; and performing the compensation actions after said rendering the temporarily misaligned logically-correlated data public to other tasks”.

The preceding feature recites performance of three method steps in accordance with the recited sequential timing, which Long does not teach. These three sequentially-ordered steps are:

- (1) “backing out the changes to the system resources resulting from execution of the compliant processes ...”;
- (2) “rendering the misaligned logically-correlated data public to other tasks”; and
- (3) “performing the compensation actions ”.

Based on the preceding arguments, Applicant respectfully maintains that Long does not anticipate claim 25, and that claim 25 is in condition for allowance.

## **CONCLUSION**

Based on the preceding arguments, Applicant respectfully believes that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicant invites the Examiner to contact Applicant's representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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